IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

OP.No. 17421 of 2001(Y)

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PETITIONER:

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A.K.KUNJACHUMMA, AGED 51 YRS.,
W/O.K.M.HAMEED, RESIDING AT KARUKAPPADATH HOUSE,
ERIYAD, KODUNGALLOOR.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENTS:

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1.STATE OF KERALA, REP. BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, TRIVANDRUM.

2.DY.DIRECTOR OF EDUCATION, THRISSUR.

3.ASSISTANT EDUCATIONAL OFFICER, KODUNGALLUR.

4.HEADMISTRESS, VVKM LPS, THIRUVALLOOR.

5.ACCOUNTANT GENERAL, KERALA, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.MANOJ.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P.NO. 27821/01 IN O.P.NO.17421/01

DISMISSED

23.2.2007. SD/- KURIAN JOSEPH, JUDGE.

## A P P E N D I X

PETITIONER'S EXHIBITS :-

EXT.P1 TRUE COPY OF GO(P) NO.380/95(13)11/FIN DATED 9.6.1994.

EXT.P2 TRUE COPY OF GO(P) NO.855/95(60)/FIN DT. 21.11.1995.

EXT.P3 TRUE COPY OF OPTION FORM DT. 20.12.1995.

EXT.P4 TRUE COPY OF LETTER DT. 26.2.1996 ISSUED BY THE THIRD RESPONDENT TO REFUND THE EXCESS AMOUNT.

EXT.P5 TRUE COPY OF RELEVANT PORTION OF SERVICE BOOK.

EXT.P6 TRUE COPY OF OBJECTION RECORDED BY 2ND RESPONDENT IN THE SERVICE BOOK OF THE PETITIONER.

EXT.P7 TRUE COPY OF CIRCULAR NO.R-1/91407/93 DT. 29.12.1995.

EXT.P8 TRUE COPY OF REPRESENTATION DT. 15.2.2001 SUBMITTED BY THE PETITIONER.

EXT.P9 TRUE COPY OF COVERING LETTER DT. 3.3.2001 OF THIRD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P10 TRUE COPY OF ORDER NO.E3-5686/01 DT. 9.5.2001 ISSUED BY THE 2ND RESPONDENT.

EXT.P11 TRUE COPY OF LETTER DT. 28.10.2000 SENT BY THE THIRD RESPONDENT TO THE 5TH RESPONDENT.

TGS

**KURIAN JOSEPH, J.**

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**O.P.No.17421 of 2001**

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**Dated 28th March, 2007.**

**J U D G M E N T**

The writ petition is filed mainly with the following prayer :-

> "declare that the petitioner was entitled to make re-option for the fixation of scale of pay in 1995 and Ext.P5 issued on the basis of the said re-option is perfectly valid."

There is also a challenge on Ext.P10 order. The very same issue was considered by this Court leading to the judgment dated 28.2.2007 in W.P.(C) No.19420/03, wherein it has been declared that the teachers are also covered by G.O.(P) No.952/95. I quash the impugned orders. The benefits withheld pursuant to the audit objection shall be disbursed to the petitioner within a period of one month from the date of production of a copy of the judgment. The question of interest is left open.

The writ petition is disposed of as above.

**KURIAN JOSEPH, JUDGE.**

***tgs***

**KURIAN JOSEPH, J**

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**O.P.No.17421 of 2001 (Y)**

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**J U D G M E N T**

**Dated 28th March, 2007.**